

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
WESTMOUNT GROUP, INC.	§	Case No. 21-30633-HCM-11
	§	
Debtor.	§	

THE DISTRICT COURT
OF EL PASO COUNTY, TEXAS
327TH JUDICIAL DISTRICT COURT

ALBERT FLORES,	§	
	§	
Plaintiff,	§	
	§	
and	§	Case No. 2021DCV3555
	§	
FIDELITY NATIONAL TITLE	§	
INSURANCE COMPANY and	§	
WESTSTAR TITLE, LLC	§	
	§	
Intervenors/Third Party Plaintiffs,	§	
	§	
	§	
v.	§	
	§	
	§	
WESTMOUNT GROUP, INC.,	§	
	§	
Intervenor/Third Party Defendant,	§	

NOTICE OF REMOVAL

TO THE HONORABLE THOMAS SPIECZNY, JUDGE PRESIDING:

TAKE NOTICE, that the Plaintiff ALBERT FLORES has this day filed his Notice of Removal of this case, in this Court and in the United States Bankruptcy Court for the Western District of Texas, El Paso, Division. The removal is to the Bankruptcy Court.

1.

This Notice of Removal is brought under 28 U.S.C. § 1452(a) and F.R. Bankr. P. 9027 and Local Bankruptcy Rule 9027(b), which substitutes the Bankruptcy Court for the District Court as the federal Court in which the Notice is to be filed.

2.

The facts which entitle ALBERT FLORES ("FLORES") to remove this case are:

- a) FLORES sued the Debtor WESTMOUNT GROUP, INC. in the 327th District Court for El Paso County Texas on July 27th, 2021.
- b) WESTMOUNT GROUP, INC. filed for Chapter 11 protection on August 23, 2021.
The bankruptcy case was converted to Chapter 7 on October 26, 2021.
- c) FLORES has claims for fraudulent transfer against WESTMOUNT GROUP, INC. as the fraudulent transferee of another Defendant in this suit.
- d) The claims against the fraudulent transferee WESTMOUNT GROUP, INC. sound under Texas Business and Commerce Code §§ 24.005 and 24.006. There are other claims for fraudulent and avoidable transfers which the Chapter 7 Trustee can assert against WESTMOUNT GROUP, INC. under 11 U.S.C. §§ 542, 544, 547, 548, 549, and 550.

- e) After the automatic stay was imposed by WESTMOUNT GROUP, INC.'s bankruptcy filing, Intervenor WESTSTAR TITLE COMPANY severed the action against WESTMOUNT GROUP, INC. into Docket No. 2021DCV3555. No other action has transpired in Docket No. 2021DCV3555. The pleadings in Docket No. 2020DCV2997 still inform what issues are joined in Docket No. 2021DCV3553.
- f) The removal of both actions (2020DCV2997 and 2021DCV3555) to the Bankruptcy Court will better assure that complete relief can be afforded, as the asserted fraudulent transfer and the asserted fraudulent transferee will both be amenable to suit upon common facts in the same forum, thereby eliminating duplication of resources and time.

3.

A copy of the docket sheet for the removed proceeding is hereto attached. Due to the bulk of the record, Mr. FLORES is separately requesting leave to gather the entire record within 15 days or such other time as the Bankruptcy Court will allow.

Respectively submitted this 22nd day of November, 2021.

/s/ 
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Attorney for ALBERT FLORES

CERTIFICATE OF SERVICE

I do hereby certify that on this 22nd day of November, 2021, I did cause a copy of the foregoing Notice of Removal to Westmount Group, Inc., c/o Keyvan Parsa, 810 N. Kansas Street, El Paso, TX 79902-5207; to Keyvan Parsa, 7604 Plaza Redonda, El Paso, TX 79912; to Stephen W. Sather, 7320 N MoPac Expy, Ste. 400, Austin, TX 78731; to Montoya Park Place, Inc., Troy C. Brown, 1074 Country Club Rd., Ste. B4, El Paso, TX 79932; to Weststar Title, LLC, c/o James W. Brewer, 221 N. Kansas, Ste. 1700, El Paso, TX 79901-1401; to Fidelity National Title Insurance Company, c/o Shakira Kelley, 6900 Dallas Parkway, Suite 610, Plano, Texas 75024; and to Deborah Jordan, c/o Richard A. Roman, Esq., 1018 Brown Street, El Paso, Texas 79902.


s/ _____

E.P. BUD KIRK

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CASE No. 2021DCV3555

Albert Flores, Plaintiff, and Fidelity National Title Insurance Company §
 and WestStar Title, LLC, Intervenor/Third Party Plaintiffs v. §
 Westmount Group, Inc., Intervenor/Third Party Defendant §
 §
 §

Case Type: Other Contract
 Date Filed: 10/07/2021
 Location: 327th District Court

RELATED CASE INFORMATION

Related Cases
 2020DCV2997 (Related Case)

PARTY INFORMATION

Intervenor	Fidelity National Title Insurance Company	Lead Attorneys Gregory Brewer <i>Retained</i> 972-812-6550(W)
Intervenor	Westmount Group, Inc.	
Intervenor	WestStar Title LLC	
Plaintiff	Flores, Albert	
Third Party Defendant	Westmount Group, Inc.	
Third Party Plaintiff	Fidelity National Title Insurance Company	Gregory Brewer <i>Retained</i> 972-812-6550(W)
Third Party Plaintiff	WestStar Title, LLC	

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS	
10/07/2021	Order for Severance	Index # 2
10/07/2021	Letter	Index # 3